

SUMMARY OF PHONE INTERVIEW

December 11, 2008: The Examiner and Applicant's counsel Terry Tullis discussed the Beyer reference and potential amendments to independent Claims 1, 10 and 16.

Exhibits and/or Demonstrations: n/a

Identification of Claims Discussed: 1, 10 and 16 in particular

Identification of Prior Art Discussed: Beyer et al. (US 6,127,597, hereafter "Beyer")

Proposed Amendments:

A proposed amendment to distinguish Beyer in Claim 1 involved changing "whereby the expanded device mechanically is configured to fixate the fracture *once* the delivery catheter and the means of expanding the device are removed from the bone" to "whereby the expanded device mechanically is configured to fixate the fracture *after* the delivery catheter and the means of expanding the device are removed from the bone."

A clarification of language present in Claim 10 to distinguish Beyer directed to specifically reciting the "hardening a substance" step as occurring after the "removing the balloon step." The sequence of the two specific steps was discussed.

A proposed amendment to distinguish Beyer in Claim 16 involved adding "after" between "removed" and "leaving" in "whereby the balloon is configured to be removed leaving the expanded tubular device in place to span bone segments."

Principal Arguments and Other Matters

The Examiner and counsel discussed the Beyer reference. The Examiner identified Beyer col. 28, line 16 as disclosing removal of the Beyer balloon fixture 80 after the bone has healed and recommended amending the claims to more clearly describe removal of a means of expanding the device claimed as being removed prior to bone fixation to distinguish the Beyer reference. Proposed Amendments for overcoming the cited art in the claims listed above were discussed for submission in the office action response.

Results of Interview

The Examiner will consider the amendments and remarks of the Applicant's response in light of the interview.